

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26247 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- GAMAHAIRIYA District- Madhepura

ANSHU YADAV S/O KARTIK YADAV R/o village- Singiyoan, P.S.-
Gamharia, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2022 Heard Mr. Ramesh Kumar Singh duly assisted by
Mr. Sanjay Kumar Singh, learned counsel for the petitioner and
Mr. Bharat Bhushan, learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Gamharia P.S. Case No. 154 of 2020 for the offences under
Sections 302/120(B)/34 of the Indian Penal Code.

As per the allegation in the FIR, the informant has
alleged that the petitioner herein along with other accused
persons due to land dispute, came and it is alleged that in the
presence of the informant and her daughter, Anshu Yadav
opened fire killing her husband on the spot.

Learned counsel for the petitioner submits that from
the FIR, it can be assumed that the informant has attributed



allegation against Anshu Yadav and his associates and as such it cannot be said attributed to the petitioner herein. He further submits that admittedly, there is land dispute which led to the alleged occurrence. He lastly submits that petitioner is in custody since 03.10.2020.

Learned APP for the State, on the other hand, submits that short but clear FIR shows that it was Anshu Yadav, (the petitioner herein) who opened fire causing instant killing of the informant's husband and in view of the aforesaid allegation, the petitioner does not deserve bail.

Considering the aforesaid specific allegation that has been attributed to the petitioner herein by the informant, who became widow due to the killing of her husband, this Court is not inclined to grant him the privilege of bail which is accordingly rejected.

The Trial Court is hereby directed to expedite the trial and conclude the same without unnecessary delay.

(Rajiv Roy, J)

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